

REMARKS

By this Amendment, Applicants amend claims 1, 2, 8, and 17-24 and cancel claims 15 and 16. Thus, claims 1-14 and 17-24 are pending in this application. Applicants also amend the specification to correct minor informalities.

Applicants gratefully acknowledge the Office Action's indication that claims 2-13, 16, and 19-22 would be allowable if rewritten in independent form including all of the features of the base claims and any intervening claims. By this Amendment, Applicants incorporate the features of allowable claim 16 and intervening claim 15 into claims 1 and 24. Thus, all of claims 1-14 and 17-24 are allowable.

The Office Action objects to the drawings under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. Applicants respectfully traverse the objection.

Applicants note that claims 1, 14, and 17-23 correspond to the third exemplary embodiment (Figs. 12-14) wherein the claimed tone characteristic setting device is exemplified by a computer 300, shown in Fig. 12. The claimed memory is exemplified by an HDD 116, shown in Fig. 12. The claimed test chart production control unit is exemplified by a CPU 110, shown in Fig. 12. The claimed control unit is exemplified by the CPU 110, shown in Fig. 12. The claimed input unit is exemplified by the CPU 110, shown in Fig. 12. The claimed characteristic setting operation executing unit is exemplified by the CPU 110, shown in Fig. 12. The claimed conversion unit is exemplified by the CPU 110, shown in Fig. 12.

Applicants note that claims 2-7 correspond to the first exemplary embodiment (Figs. 1-4) wherein the claimed tone characteristic setting device is exemplified by a personal computer 1, shown in Fig. 1. The claimed memory is exemplified by a hard disk 14, shown in Fig. 1. The claimed tone characteristic producing unit is exemplified by a CPU 11, shown

in Fig. 1. The claimed storing unit is exemplified by the CPU 11, shown in Fig. 1. The claimed setting unit is exemplified by the CPU 11, shown in Fig. 1. The claimed retrieving unit is exemplified by the CPU 11, shown in Fig. 1.

Applicants note that claims 8-13 correspond to the second exemplary embodiment (Figs. 5-11(b)) wherein the claimed tone characteristic setting device is exemplified by a personal computer 200, shown in Fig. 5. The claimed memory is exemplified by an HHD 116, shown in Fig. 5. The claimed characteristic setting unit is exemplified by a CPU 110, shown in Fig. 5. The claimed input unit is exemplified by the CPU 110, shown in Fig. 5. The claimed measurement control unit is exemplified by the CPU 110, shown in Fig. 5. The claimed comparing unit is exemplified by the CPU 110, shown in Fig. 5. The claimed selecting unit is exemplified by the CPU 110, shown in Fig. 5. The claimed setting unit is exemplified by the CPU 110, shown in Fig. 5.

Thus, Applicants assert that the drawings adequately show, in accordance with 37 C.F.R. § 1.83(a), every feature alleged by the Office Action to be missing from the claims. Applicants respectfully request withdrawal of the objection to the drawings.

The Office Action objects to the disclosure and claim 16 for a number of informalities. By this Amendment, Applicants amend the specification to correct the informalities in accordance with the Examiner's helpful comments. Claim 16 is canceled. As a result, Applicants respectfully request that the objection to the disclosure and claim 16 be withdrawn.

The Office Action rejects claims 1, 2, 8, 15, 17, 18, and 23 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

Essentially, the Office Action is rejecting claims 1, 2, 8, 15, 17, 18, and 23 because they recite a "condition preparing unit" and a "characteristic setting unit." The Office Action alleges that because the condition preparing unit and characteristic setting unit are disclosed in Applicants' Summary of the Invention, and a "CPU" is disclosed in Applicants' Detailed Description, the relationship between the two units and the CPU is unclear.

Applicants' specification is organized such that the broad organizational structure of the invention is described in Applicants' Summary of the Invention. Then, Applicants describe preferred embodiments in the Detailed Description of Preferred Embodiments. On page 17, lines 2 -3, after describing the broad organizational structure of the invention, Applicants clearly state that the (broadly described) tone characteristic setting unit may be preferably incorporated into a computer system. Logically, Applicants then describe preferred embodiments of the invention, i.e., in a computer system (including a CPU) in the Detailed Description of Preferred Embodiments.

Furthermore, on page 17, line 2 - page 20, line 8, Applicants disclose the relationship between the broad organizational structure of the invention and a computer system. Specifically, Applicants disclose that the broad organizational structure of the invention may be provided within a computer (CPU and memory) as a tone characteristic setting program comprising a program preparing a condition for setting tone characteristic based on either one of the tone characteristic data stored in the memory and actual tone characteristic indicated by the test chart produced by the image formation device (i.e., the condition preparing unit) and a program setting tone characteristic based on the prepared condition (i.e., the characteristic setting unit). As a result, Applicants disclose the relationship between the CPU and the condition preparing unit and the characteristic setting unit.

Based on the above-described organization of Applicants' specification and the specific disclosure of the relationship between the condition preparing unit and the

characteristic setting unit and a CPU, Applicants assert that the claims 1, 2, 8, 15, 17, 18, and 23 are adequately described in the specification such that one skilled in the art could reasonably conclude that Applicants had possession of the claimed invention (MPEP § 2163). Therefore, Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1, 15, 17, 18, and 24 under 35 U.S.C. §102(e) over U.S. Patent 6,473,197 to Shimazaki. As discussed above, Applicants amend independent claims 1 and 24 to include the allowable features of claim 16. Thus, the rejection of claims 1 and 24 and claims 15, 17, 18, depending from claim 1, is moot. Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claim 14 under 35 U.S.C. §103(a) over Shimazaki in view of U.S. Patent 6,618,168 to Nakajima et al. As discussed above, Applicants amend independent claim 1 to include the allowable features of claim 16. Thus, the rejection of claim 14, depending from claim 1, is moot. Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1-14 and 17-24.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/tea

Date: June 14, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--